		81			83
1		supervision?	1		they called in.
2	Α	Yes.	2	Q	Their arrival times?
3	Q	Which is a table, and you chart the	3	Α	Their arrival times.
4		vacation days and sick days?	4	Q	Did you also keep track of their departure
5	Α	It's an Excel spreadsheet	5		time?
6	Q	Okay.	6	Α	No.
7	Α	in Excel. And so when I get up here	7	Q	Just the arrival?
8		where it says "Allocated" (pointing)	8	А	Just the arrivals.
9	Q	Okay.	9	Q	How was it that you were able to be
10	Α	all it does is this is Bernadine	10		certain, if at all, that an individual had
11		(pointing). So you can see that she has	11		worked a full day?
12		8.5 vacation days that are carryover, so	12		MS. MOORE: Objection.
13		she starts out with that. And as you put a	13	Α	Well, if I got into work at 8:30, I knew
14		minus 1 in, you know, each time it it	14		that, you know, there were people already
15		either adds or subtracts so that the	15		in or watched when people came in, then I
16		employees I could know, you know, how	16		knew what time they were to go home.
17		much time they had left. Because most	17	Q	But you didn't check specifically to see if
18		people, you know, didn't keep track of	18	_	they had left?
		they didn't keep track of their own	19	Α	No. Because because there were
19 20		vacation, and they would come and say, "How	20	<i>F</i> \	different people that came in later, and
20		many days do I have left?"	21		I'm not you know, I didn't stay until
21	_	Okay. Was this particular table kept on	22		7:00 every night to monitor that. So, no,
22	Q	•	23		I kept no record of when people left.
23		your computer system, or was it on your	i	0	Did you require the employees under your
24		secretary's computer system?	24	Q	Bid you require the employees under your 84
		82			
1	A	This is mine.	1		supervision to check in with you when they
2	Q	On yours?	2		arrived each morning?
3	A	Yes.	3	Α	No.
4	Q	Okay. And did you distribute copies of	4	_	MS. MOORE: Objection.
5		attendance records to any other employee at	5	Q	So how is it that you were able to be
6		CU?	6		certain whether an individual had duly
7		MS. MOORE: Objection.	7		arrived each morning?
8	Α	Just their own. I was I tried to at	8	Α	Because I walked around the floor.
9		least, you know, two or three times a year	9	Q	You walked around the floor?
10		give this sheet to each individual	10	Α	Yeah, the area where we all sat.
11	Q	Okay.	11	Q	How long did it take you to walk around the
12	Α	so that they knew, you know, what they	12		floor each morning?
13		had.	13	Α	Ten seconds
14	Q	Was there any other system or procedure you	14	Q	Okay.
15		kept for tracking of an employee's	15	Α	barring "good morning" or a chat with
16		attendance	16		someone.
17		MS. MOORE: Objection.	17	Q	And what time did you walk around the floor
18	Q	other than this table that we have	18		each morning?
19		before us?	19		MS. MOORE: Objection.
20	Α	I created a job performance record.	20	Α	I don't recall. Several times.
21	Q	Okay. And what's the job performance	21	Q	When's the first time in which you walked
22		record that you please describe that.	22		around the floor to check to see if your
 23	А	That was a sheet I made to keep track of	23		employees were present each morning?
		specific employees' arrival times and when	24		MS. MOORE: Objection.

15	KAI	REN	ALIZEN HOLMEST ZONOVEMBER 48,52604 NT 95)-S	Г	lied 05/16/2006 Page 2 of 6
2 Q Approximately 9:30 you would walk around the floor to make certain that the individuals in the group were present and working? 6 A Correct. 7 O CAsy. Did you also walk around subsequent to 9:30 if an individual or one of your members wasn't present at that time? 10 A Yes. 11 Q OKay. 11 G OKay. 12 G OKay. 13 Sorry can we take a break? 14 G OKay. 15 G OKay. 16 G OKay. 17 G OKay. 18 G OKay. 19 G OKay. 19 G OKay. 10 OKay. 11 G OKay. 12 G OKay. 13 Sorry can we take a break? 14 G OKay. 15 G OKay. 16 G OKay. 17 G OKay. 18 G OKay. 19 G OKay. 19 G OKay. 10 OKay. 10 OKay. 11 G OKay. 11 G OKay. 11 G OKay. 11 G OKay. 12 G OKay. 13 G OKay. 14 G OKay. 15 G OKay. 16 G OKay. 17 A Mary Ann Russo. 18 G OKay. 19 G OKay. 19 G OKay. 19 G OKay. 10 OKay. 10 OKay. 11 G OKay. 11 G OKay. 11 G OKay. 11 G OKay. 12 G OKay. 13 G OKay. 14 G OKay. 15 G OKay. 16 G OKay. 17 A Mary Ann Russo. 18 G OKay. 19 G OKay. 19 G OKay. 10 OKay. 10 OKay. 11 G OKay. 11 G OKay. 11 G OKay. 11 G OKay. 12 G OKay. 13 G OKay. 14 G OKay. 15 G OKay. 16 G OKay. 17 A Mary Ann Russo and Bernadine Griffith? 18 G OKay. 19 G OKay. 10 OKay. 11 G OKay. 12 G OKay. 13 A No. 14 O OKay. 15 G OKay. 16 G OKay. 17 A OKay. 18 G OKay. 19 OKay. 19 OKay. 10 OKay. 10 OKay. 11 G OKay. 12 G OKay. 13 G OKay. 14 G OKay. 15 G OKay. 16 G OKay. 17 A OKay. 18 G OKay. 19 G OKay. 19 G			85			87
the floor to make certain that the individuals in the group were present and working? A Correct. Okay. Did you also walk around subsequent to 9:30 if an individual or one of your members wasn't present at that time? The WITNESS: Kathleen I'm sorry can we take a break? MS. HILL: Sure. (Off the record) (A break was taken.) (Abreak was taken.) (Back on the record) MS. HILL: Gould I have the next one marked as Exhibit A. (Exhibit No. 4, the 4/12/00 performance job record for Bernadine was marked for identification.) MS. Holmes, on your break, the next document was marked Exhibit No. 4. If you would take a look at that document pertains to, if you would take a look at that document pertains to, if you would take a look at that document pertains to, if you would take a look at that document pertains to, if you would, please (handing). A Yes. It is job performance pob record? MS. Holmes, on your break, the next DEF 0093 and DEF 0094. It is the typical performance job record? A Yes. It is pop performance pob record? A Yes	1	Α	Around 9:30ish.	1	Q	Okay.
other person. A cycrect. Okay. Did you also walk around subsequent to 9:30 if an individual or one of your members wasn't present at that time? THE WITNESS: Kathleen I'm sorry can we take a break? MS. HILL: Sure. MS. HILL: Sure. MS. HILL: Soud I have the next one marked as Exhibit 4. (Ekhibit No. 4, the 4/12/00 performance job record for dendification.) MS. Holmes, on your break, the next one marked as look at that document, Exhibit No. 4, and identify that with the Bates numbers; and state what that document pertains to, if you would, please (handing). A Yes. MS. HIS job performance pob record? MS. Holmes, on your break, the next one marked as look at that document, Exhibit No. 4, and identify that with the Bates numbers; and state what that document, Exhibit No. 4, and identify that with the Bates (handing). A Yes. MS. His job performance pob record? A Ms. Holmes, on your break, the next one performance pob record, and it's performance pob record? A Yes. A Yes. A Yes. A No. Okay. A Wes. A No. Tis job performance iob record for any other employees under your supervision? A Yes. Child not. A Yes. A No. The witness are well as a control? A Ms. Griffith's attendance record is that you kept and maintained on each of the employees under your supervision? A Yes. Child not. A Yes. A No. Child not. A Wes. A No. A Yes. A Yes Wester and maintained on each of the employees under your supervision? A Yes. A No. A Yes. A Yes Wester and was a taken.) A No. A Yes. A No. A Yes Wester and was a taken. A No. A Yes Wester and was a taken. A No. A Yes Wester and was a taken. A No. A Yes Wester and was marked Exhibit No. 4. If you well as a look at that the only documentation of Ms	2	Q	Approximately 9:30 you would walk around	2	Α	These pertain to Bernadine. The other ones
S	3		the floor to make certain that the	3		would be the days, dates, and times of the
Second Correct. Colorect.	4		individuals in the group were present and	4		other person.
remployees' job performance under your control? members wasn't present at that time? members wasn't was the purpose of generating a performance job report. members wasn't was taken. members wasn't wasn't was marked the purpose of generating a performance job report. members wasn't	5		working?	5	Q	Right. That's what I mean. Is this your
to 9:30 if an individual or one of your members wasn't present at that time? MS. MOORE: Objection. MS. MOORE: Ob	6	Α	Correct.	6		standard procedure for tracking of
members wasn't present at that time? New Yes. THE WITNESS: Kathleen I'm sorry can we take a break? MS. HILL: Sure. (Off the record) Search of the record) Search of the record	7	Q	Okay. Did you also walk around subsequent	7		employees' job performance under your
10 A Yes. 11 Q Okay. 12 THE WITNESS: Kathleen I'm 12 performance job report or performance in performance job report or performance job record? I'm sorry. 13 Sorry can we take a break? 14 MS. HILL: Sure. 15 (Off the record) 16 (A break was taken.) 16 (A break was taken.) 17 (Back on the record) 18 MS. HILL: Could I have the 18 Q Okay. 19 next one marked as Exhibit 4. 20 (Exhibit No. 4, the 4/12/00 performance job record for Bernadine Giffith, was marked for identification.) 21 performance job record for Bernadine Giffith, was marked for identification.) 22 Q Ms. Holmes, on your break, the next 23 document was marked Exhibit No. 4. If you would take a look at that document, Exhibit No. 4. and identify that with the Bates numbers; and state what that document pertains to, if you would, please (handing). 17 A It's job performance pob record? 18 DEF 0093 and DEF 0094. 19 Q It's your performance job record? 10 A Yes. 11 Q And what was the purpose of generating a performance job record? If Mas some, concerns about the patterns with two employees. Bernadine was one of them. 18 DEF 0093 and DEF 0094. 19 Q It's your performance job record? 10 A Yes. 11 Q Si this the typical performance job record? 12 that you kept and maintained on each of the employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for any other employees under your supervision? 18 A Yes. 20 Q Okay. And what's the difference between their job performance record, if any, and this particular record? 21 A The only difference would be the facts 22 A The only difference would be the facts 23 A The only difference would be the facts 24 A The only difference would be the facts 25 A The only difference would be the facts	8		to 9:30 if an individual or one of your	8		control?
THE WITNESS: Kathleen I'm sorry can we take a break? MS. HILL: Sure. (Off the record) (A break was taken.) (Back on the record) MS. HILL: Could I have the next one marked as Exhibit 4. (Exhibit No. 4, the 4/12/00 performance job record for Bernadine Griffith, was marked for identification.) MS. Holmes, on your break, the next MS. Holmes, on your break, the next MS. Holmes, and identify that with the Bates numbers; and state what that document, Exhibit ho. 4, and identify that with the Bates numbers; and state what that document, Exhibit pertains to, if you would, please (handing). A It's job performance record, and it's DEF 0093 and DEF 0094. It's your performance job record? A Yes. The William of the typical performance job record? The word and identify that with the Bates The special performance job record? The special performance job record is any other employees under your supervision? The special performance job record is any other employees under your supervision? The special performance job record is any other employees under your supervision? The special performance job records for any other employees under your supervision? The special performance job records for any other employees under your supervision? The special performance job records for any other employees under your supervision? The special performance job records for any other employees under your supervision? A Yes. Charling have twe twent was the performance job record in the first date and the performance job records for any other employees under your supervision? The special performance job records for any other employees under your supervision? A No. The special performance job records for any other employees under your supervision? The special performance job records for any other employees under your supervision? The special	9		members wasn't present at that time?	9		MS. MOORE: Objection.
THE WITNESS: Kathleen I'm sorry can we take a break? MS. HILL: Sure. (Off the record) (A break was taken.) (Back on the record) (Back on the record) (Exhibit No. 4, the 4/12/00 performance job record? Tim sorry. MS. Holmes, on your break, the next MS. Holmes, on your break, the bates numbers; and state what that document, Exhibit No. 4, and identify that with the Bates numbers; and state what that document pertains to, if you would, please (handing). A It's job performance pob record? A Yes. It is this the typical performance job record? A Yes. This format. I'm sorry? A No. This format. I'm sorry? A No. Okay. And who was the other employee? Mary Ann Russo. Mary Ann Russo. Mary Ann Russo. Any You know, having excessive absenteeism or tardiness. So you created a performance job record with regards to Mary Ann Russo and Bernadine Griffith? Yes, I did. A Any other individuals did you generate a performance job record? A No. I did not. Okay. Any other individuals did you generate a performance job record? A No, I did not. Okay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith? Yes. That's correct. It a No. This format. I'm sorry? A No. This format. I'm sorry? This format. I'm sorr	10	Α	Yes.	10	Α	Yes.
sorry can we take a break? MS. HILL: Sure. (Off the record) (A break was taken.) (Back on the record) MS. HILL: Could I have the enext one marked as Exhibit 4. Exhibit No. 4, the 4/12/00 performance job record for Bernadine Griffith, was marked for identification.) MS. Holmes, on your break, the next owould take a look at that document, Exhibit No. 4, and identify that with the Bates numbers; and state what that document pertains to, if you would, please (handing). A It's job performance record, and it's DEF 0093 and DEF 0094. DEF 0093 and DEF 0094. Q It's your performance job record? A No. Is this the typical performance job report that you kept and maintained on each of the employees under your supervision? A No. This format. I'm sorry? A The only difference would be the facts I a particular record? A The only difference would be the facts I a port of the mack of them. A It is performance roord, if any, and their job performance record, if any, and this particular record? A The only difference would be the facts I a port can we take a boaut the patterns with two employees. Bernadine was one of them. And who was the other employee? A It had some concerns about the patterns with two employees. Bernadine one of them. And who was the other employee? And who was the other employee. And you know, having excessive absenteeism or tardines. So you created a performance job record tardiness. So you created a performance job record tardiness. A	11	Q	Okay.	11	Q	And what was the purpose of generating a
MS. HILL: Sure. (Off the record) (A break was taken.) (Back on the record) (Eack on the record) MS. HILL: Could I have the mext one marked as Exhibit 4. (Exhibit No. 4, the 4/12/00 performance job record for Bernadine Griffith, was marked for identification.) MS. Holmes, on your break, the next Mocument was marked Exhibit No. 4. If you would take a look at that document, Exhibit No. 4, and identify that with the Bates numbers; and state what that document pertains to, if you would, please (handing). A It's job performance record, and it's Charlenges under your supervision? A Yes. Directing your attention to Exhibit No. 4. That's correct. So you created a performance job record with regards to Mary Ann Russo and Bernadine Griffith? Yes, I did. A No, 4, and identify that with the Bates performance job record? A It's job performance record, and it's DEF 0093 and DEF 0094. So prior to April 12, 2000, there was no performance job record? It's your performance job record? A Yes. So prior to April 12, 2000, there was no performance job record? A No. That's correct. Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's performance job record? A Yes. Co Qokay. And what's the difference between their job performance record, if any, and this particular record? A The only difference would be the facts I need to be clear on what you're asking. Are you asking me if this document - I'm talking about the 2000 attendance for	12		THE WITNESS: Kathleen I'm	12		performance job report or performance
15	13		sorry can we take a break?	13		job record? I'm sorry.
(A break was taken.) (Back on the record) MS. HILL: Could I have the next one marked as £xhibit 4. (Exhibit No. 4, the 4/12/00 performance job record for Bernadine Griffith, was marked for identification.) MS. Holmes, on your break, the next 86 document was marked Exhibit No. 4. If you would take a look at that document would take a look at that document heripospa and DEF 0094. Q It's your performance job record? A It's job performance job record? A Yes. In Q Is this the typical performance job record? In A No. In Q Did you create performance job records for any other employees under your supervision? A Yes. Q Okay. And who was the other employee? Mary Ann Russo. A You know, having excessive absenteeism or tardiness. So you created a performance job record with regards to Mary Ann Russo and Bernadine Griffith? A Yes, I did. 88 A Yes, I did. 88 Any other individuals did you generate a performance job record? A No, I did not. Okay. All right. Directing your attention to to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith's performance job record? A Yes. In A No. In A No. In A No. In A Yes. In A No. In A Yes. In A No. In A Yes. In A Yes. In A Yes. In A Yes. In A Yes Yes, I did. A No. In A Yes. In A A Yes, I did not. Okay. All right. Directing your attention to the time that you entered in 2000 in Ms. Griffith's performance job record? In A Yes. In A No. In A Yes. In A No. In A Yes. In A No. In A Yes. In A Yes. In A Yes. In A Yes. In A No. In A Yes. In A Yes. In A Yes. In A Yes. In A Yes Yes I did not. In A Yes. In A Yes Yes, I did not. In A Yes. In A Yes Yes, I did not. In A Yes Yes, I did not. In A Yes. In A Yes Yes, I did not. In A Yes. In A Yes Yes, I did not.	14		MS. HILL: Sure.	14	Α	I had some concerns about the patterns with
17	15		(Off the record)	15		two employees. Bernadine was one of them.
MS. HILL: Could I have the next one marked as Exhibit 4. ((Exhibit No. 4, the 4/12/00) performance job record for Bernadine Griffith, was marked for identification.) MS. Holmes, on your break, the next MS. Holmes, on your break of the next MS. Griffith? MS. Holmes, on your break of the next MS. Holmes, on your break of the next MS. Griffith? MS. Holmes, on your break of the next MS. Holmes, on your bread been desired of the next of the next MS. Any other eindividuals did you generate a performance job record? A Defough and next the first date on this record is to the Bates No. 93, the first page of this record - the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in MS. Griffith's performance job record? MS. Moll ont. MS. Moll ont. MS. Holmes, on your attention to Exhibit the first date and time that you entered in 2000 in MS. Griffith's attendance record on MS. Griffith? MS. Moll ont. MS. Griffith's attendance record that you personally created prior to April 12, 2000? MS. Moll ont. MS. Griffith's atte	16		(A break was taken.)	16	Q	And who was the other employee?
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20 (Exhibit No. 4, the 4/12/00 performance job record for Bernadine Griffith, was marked for identification.) 21 Q Ms. Holmes, on your break, the next 22 Ms. Holmes, on your break, the next 23 Bernadine Griffith? 24 A Yes, I did. 88 1 document was marked Exhibit No. 4. If you would take a look at that document, Exhibit No. 4, and identify that with the Bates numbers; and state what that document pertains to, if you would, please (handing). 7 A It's job performance record, and it's DEF 0093 and DEF 0094. 9 Q It's your performance job record? 10 A Yes. 11 Q Is this the typical performance job report that you kept and maintained on each of the employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for any other employees under your supervision? 18 A Yes. 20 Q Okay. And what's the difference between their job performance record, if any, and this particular record? 20 A The only difference would be the facts 21 tardiness. 22 So you created a performance job record with regards to Mary Ann Russo and Bernadine Griffith? 24 A Yes, I did. 8 A Yes, I did. 8 A No, I did not. 9 A No, I did not. 9 Okay. All right. Directing your attention to the Bates No. 93, the first page of this record - the first date on this record is record - the first date on this record? 9 A Paril 12, 2000. Is that the first date on this record? 10 A Yes. 11 Q Is this the typical performance job record? 12 A No. 13 A Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 16 Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 18 A reyou asking me if 20 Q Okay. All rig	18		MS. HILL: Could I have the	18	Q	Okay.
20 (Exhibit No. 4, the 4/12/00 performance job record for Bernadine Griffith, was marked for identification.) 21	19		next one marked as Exhibit 4.	19	Α	You know, having excessive absenteeism or
performance job record for Bernadine Griffith, was marked for identification.) Mrs. Holmes, on your break, the next 86 document was marked Exhibit No. 4. If you would take a look at that document, Exhibit numbers; and state what that document pertains to, if you would, please (handing). A It's job performance record, and it's Effort of A Yes. I Q Is this the typical performance job record? A No. I S Is this the typical performance job record? A No. I A No. I Did you create performance job records for any other employees under your supervision? A Yes. Q Okay. And what's the difference between their job performance record, if any, and this particular record? A The only difference would be the facts 23 So you created a performance job record with regards to Mary Ann Russo and Bernadine Griffith? With regards to Mary Ann Russo and Bernadine Griffith? With regards to Mary Ann Russo and Bernadine Griffith? With regards to Mary Ann Russo and Bernadine Griffith? A Yes, I did. 8 A Yes, I did. 8 Any other individuals did you generate a performance job record? 10 Q Okay. All right. Directing your attention to to the Bates No. 93, the first page of this record the first date on this record is record the first date on this record the first date on this record is record the first date on this record is record the first date on this recor	20		(Exhibit No. 4, the 4/12/00	20		_
Bernadine Griffith, was marked for identification.) Ms. Holmes, on your break, the next Beau document was marked Exhibit No. 4. If you would take a look at that document, Exhibit numbers; and state what that document pertains to, if you would, please for handing). A It's job performance record, and it's pure formance job record? A Yes. It a No. It is your performance job record? A Yes. Did you create performance job records for any other employees under your supervision? A Yes. Q Okay. And what's the difference between their job performance record, if any, and this particular record? A The only difference would be the facts With regards to Mary Ann Russo and Bernadine Griffith? Yes, I did. A No, I did not. Any, I did not. Okay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith's performance job record? A Yes. Co Okay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith's performance job record? A Yes. Co Districting your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? MS. MOORE: Objection. A re you asking me if Take a look at that. I need to be clear on what you're asking. Are you asking me if this document I'm talking about the 2000 attendance for	21			21	Q	So you created a performance job record
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24 A Yes, I did. 88 1 document was marked Exhibit No. 4. If you would take a look at that document, Exhibit 2 performance job record? No. 4, and identify that with the Bates numbers; and state what that document 4 Q Okay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is for his performance job record? 1 A It's job performance record, and it's performance job record? 1 A Yes. 1 Q Is this the typical performance job report that you kept and maintained on each of the employees under your supervision? 1 A No. 1 Did you create performance job records for any other employees under your supervision? No. 4 Yes. 1 Q Did you create performance job records for any other employees under your supervision? A Yes. 1 Q Okay. And what's the difference between their job performance record, if any, and this particular record? A The only difference would be the facts 2 A Yes, I did. 8 A Yes, I did. 8 Any other individuals did you generate a performance job record? A No, I did not. A No, I do No. A Yes. Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? MS. MoORE: Objection. A Preyou asking me if Take a look at that. I need to be clear on what you're asking. A re you asking me if this document I'm talking about the 2000 attendance for	23		•	23		-
document was marked Exhibit No. 4. If you would take a look at that document, Exhibit 2 performance job record? No. 4, and identify that with the Bates 4 numbers; and state what that document 5 pertains to, if you would, please 6 (handing). 5 to the Bates No. 93, the first page of this record the first date on this record is 6 (handing). 6 record the first date on this record is 7 A It's job performance record, and it's 8 DEF 0093 and DEF 0094. 8 time that you entered in 2000 in 9 Q It's your performance job record? 9 Ms. Griffith's performance job record? 10 A Yes. 10 A Yes. 11 Q So prior to April 12, 2000, there was no performance job record 12 that you kept and maintained on each of the employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 15 No. 3 is that the only documentation of 16 A No. 17 Q Did you create performance job records for 18 any other employees under your supervision? 18 A Yes. 19 A Yes. 19 A Are you asking me if Take a look at that. 1 I need to be clear on what you're asking. 12 A The only difference would be the facts 19 A Take a look at that. 1 I need to be clear on what you're asking. 12 A The only difference would be the facts 19 A Take a look at that. 1 I need to be clear on what you're asking. 12 A The only difference would be the facts 19 A Take a look at that. 1 I need to be clear on what you're asking. 12 A The only difference would be the facts 19 A Take a look at that. 10 Are you asking me if this document I'm talking about the 2000 attendance for	24	Q	ř	24	Α	Yes, I did.
would take a look at that document, Exhibit No. 4, and identify that with the Bates numbers; and state what that document pertains to, if you would, please (handing). A It's job performance record, and it's DEF 0093 and DEF 0094. Q It's your performance job record? A Yes. I Q Is this the typical performance job report that you kept and maintained on each of the employees under your supervision? A No. This format. I'm sorry? No. Q Did you create performance job records for any other employees under your supervision? A Yes. Q Okay. And what's the difference between their job performance record, if any, and this particular record? A No, I did not. Q Okay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in A Yes. D So prior to April 12, 2000, there was no performance job record? A That's correct. D Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in M S. Griffith's performance job record? Yes. D So prior to April 12, 2000, there was no performance job record on Ms. Griffith? A That's correct. D Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in M S. Griffith's performance job record? A That's correct. A Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? MS. MOORE: Objection. A Are you asking me if Take a look at that. A I need to be clear on what you're asking. Are you asking me if this document I'm taking about the 2000 attendance for					•	
No. 4, and identify that with the Bates numbers; and state what that document pertains to, if you would, please (handing). A It's job performance record, and it's DEF 0093 and DEF 0094. Yes. It is this the typical performance job report many other employees under your supervision? A No. Chay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith's performance job record? A Yes. Chay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith's performance job record? A Yes. Chay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is April 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith's performance job record? A Yes. A That's correct. A Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? Ms. MOORE: Objection. A Yes. A Yes. A Yes. A Are you asking me if Chay and what's the difference between A Yes and what's the differenc	1		document was marked Exhibit No. 4. If you	1	Q	Any other individuals did you generate a
numbers; and state what that document pertains to, if you would, please (handing). A It's job performance record, and it's DEF 0093 and DEF 0094. Yes. It's your performance job record? It's your performance job record? A Yes. It you kept and maintained on each of the employees under your supervision? A No. This format. I'm sorry? A No. Did you create performance job records for any other employees under your supervision? A Yes. C Okay. All right. Directing your attention to the Bates No. 93, the first page of this record the first date on this record is A April 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith's performance job record? A Yes. C So prior to April 12, 2000, there was no performance job record on Ms. Griffith? A No. Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? Ms. MOORE: Objection. A Yes. C Okay. All right. Directing your attention to to the Bates No. 93, the first page of this record the first date on this record is A pril 12, 2000. Is that the first date and time that you entered in 2000 in Ms. Griffith's performance job record? D A Yes. Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? Ms. MOORE: Objection. A Are you asking me if A Are you asking me if this document I'm talking about the 2000 attendance for	2		would take a look at that document, Exhibit	2		performance job record?
pertains to, if you would, please (handing). A It's job performance record, and it's DEF 0093 and DEF 0094. Q It's your performance job record? A Yes. It is the typical performance job report that you kept and maintained on each of the employees under your supervision? A No. This format. I'm sorry? A No. Did you create performance job records for any other employees under your supervision? A Yes. C O Cay. And what's the difference between their job performance record? A The only difference would be the facts To the Bates No. 93, the first page of this record the first date on this record is A April 12, 2000. Is that the first date and time that you entered in 2000 in A Yes. Di A Yes. Di A Yes. C So prior to April 12, 2000, there was no performance job record on Ms. Griffith? A That's correct. A That's correct. A No. C Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? A Are you asking me if Take a look at that. A I need to be clear on what you're asking. A Tre you asking me if this document I'm talking about the 2000 attendance for	3		No. 4, and identify that with the Bates	3	Α	No, I did not.
6 (handing). 7 A It's job performance record, and it's 8 DEF 0093 and DEF 0094. 9 Q It's your performance job record? 10 A Yes. 11 Q Is this the typical performance job report 12 that you kept and maintained on each of the 13 employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for 18 any other employees under your supervision? 19 A Yes. 10 A Yes. 11 Q So prior to April 12, 2000, there was no performance job record on Ms. Griffith? 13 A That's correct. 14 Q Directing your attention to Exhibit 15 No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 18 MS. Griffith's attendance record that you personally created prior to April 12, 2000? 19 A Yes. 10 A Yes. 11 Q So prior to April 12, 2000, there was no performance job record on Ms. Griffith? 11 A That's correct. 12 No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 15 MS. MOORE: Objection. 16 A Yes. 17 A Are you asking me if 18 A I need to be clear on what you're asking. 19 A I need to be clear on what you're asking. 20 A The only difference would be the facts 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm talking about the 2000 attendance for	4		numbers; and state what that document	4	Q	Okay. All right. Directing your attention
A It's job performance record, and it's DEF 0093 and DEF 0094. Response of the performance job record? A Yes. It's your performance job record? It's yo	5		pertains to, if you would, please	5		to the Bates No. 93, the first page of this
B DEF 0093 and DEF 0094. 9 Q It's your performance job record? 10 A Yes. 11 Q Is this the typical performance job report 12 that you kept and maintained on each of the 13 employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for 18 any other employees under your supervision? 19 A Yes. 20 Q Okay. And what's the difference between 21 their job performance record, if any, and 22 this particular record? 23 A The only difference would be the facts 10 A Yes. 10 A Yes. 11 Q So prior to April 12, 2000, there was no performance job record on Ms. Griffith? 12 performance job record on Ms. Griffith? 13 A That's correct. 14 Q Directing your attention to Exhibit 15 No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 18 MS. MOORE: Objection. 19 A Are you asking me if 20 Q Take a look at that. 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm 23 A The only difference would be the facts	6		(handing).	6		record the first date on this record is
9 Ms. Griffith's performance job record? 10 A Yes. 11 Q Is this the typical performance job report 12 that you kept and maintained on each of the 13 employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for 18 any other employees under your supervision? 19 A Yes. 20 Q Okay. And what's the difference between 21 their job performance record, if any, and 22 this particular record? 23 A The only difference would be the facts 24 Ms. Griffith's performance job record? 16 A Yes. 17 Q So prior to April 12, 2000, there was no 18 performance job record in the performance job record on Ms. Griffith's correct. 18 No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 18 MS. MOORE: Objection. 19 A Are you asking me if 20 Q Take a look at that. 21 I need to be clear on what you're asking. 22 Are you asking me if this document I'm talking about the 2000 attendance for	7	Α	It's job performance record, and it's	7		April 12, 2000. Is that the first date and
10 A Yes. 11 Q Is this the typical performance job report 12 that you kept and maintained on each of the 13 employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for 18 any other employees under your supervision? 19 A Yes. 20 Q Okay. And what's the difference between 21 their job performance record, if any, and 22 this particular record? 23 A The only difference would be the facts 10 A Yes. 11 Q So prior to April 12, 2000, there was no 12 performance job record on Ms. Griffith? 13 A That's correct. 14 Q Directing your attention to Exhibit 15 No. 3 is that the only documentation of 16 Ms. Griffith's attendance record that you 17 personally created prior to April 12, 2000? 18 MS. MOORE: Objection. 19 A Are you asking me if 20 Q Take a look at that. 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm 23 A The only difference would be the facts 24 Talking about the 2000 attendance for	8		DEF 0093 and DEF 0094.	8		time that you entered in 2000 in
11 Q Is this the typical performance job report 12 that you kept and maintained on each of the 13 employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for 18 any other employees under your supervision? 19 A Yes. 20 Q Okay. And what's the difference between 21 their job performance record, if any, and 22 this particular record? 23 A The only difference would be the facts 11 Q So prior to April 12, 2000, there was no 12 performance job record on Ms. Griffith? 15 No. 3 is that the only documentation of 16 Ms. Griffith's attendance record that you 17 personally created prior to April 12, 2000? 18 MS. MOORE: Objection. 19 A Are you asking me if 20 Q Take a look at that. 21 I need to be clear on what you're asking. 22 Are you asking me if this document I'm 23 talking about the 2000 attendance for	9	Q	It's your performance job record?	9		Ms. Griffith's performance job record?
that you kept and maintained on each of the employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for any other employees under your supervision? 18 A Yes. 19 A Are you asking me if 20 Q Okay. And what's the difference between 21 their job performance record, if any, and 22 this particular record? 23 A The only difference would be the facts 12 performance job record on Ms. Griffith? 13 A That's correct. 14 Q Directing your attention to Exhibit No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? MS. MOORE: Objection. 19 A Are you asking me if 20 Q Take a look at that. 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm 23 talking about the 2000 attendance for	10	Α	Yes.	10	Α	Yes.
employees under your supervision? 14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for any other employees under your supervision? 18 A Yes. 20 Q Okay. And what's the difference between their job performance record, if any, and this particular record? 21 A The only difference would be the facts 13 A That's correct. 14 Q Directing your attention to Exhibit 15 No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 18 MS. MOORE: Objection. 19 A Are you asking me if 20 Q Take a look at that. 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm talking about the 2000 attendance for	11	Q	Is this the typical performance job report	11	Q	So prior to April 12, 2000, there was no
14 A No. 15 Q This format. I'm sorry? 16 A No. 17 Q Did you create performance job records for any other employees under your supervision? 18 A Yes. 20 Q Okay. And what's the difference between their job performance record, if any, and this particular record? 21 The only difference would be the facts 22 A The only difference would be the facts 24 Directing your attention to Exhibit 25 No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 26 MS. MOORE: Objection. 27 A Are you asking me if 28 A The only difference would be the facts 29 A Take a look at that. 20 A Take a look at that. 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm talking about the 2000 attendance for	12		that you kept and maintained on each of the	12		performance job record on Ms. Griffith?
This format. I'm sorry? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only documentation of Ms. Griffith's attendance record that you personally created prior to April 12, 2000? No. 3 is that the only document attendance record that you personally created prior to April 12, 2000? No. 3 is that the only document attendance record that you personally created prior to April 12, 2000? No. 3 is that the only document attendance record that you personally created prior to April 12, 2000? No. 3 is that the only document attendance record that you personally created prior to April 12, 2000? No. 3 is that the only document attendance record that you personally created prior to April 12, 2000? No. 3 is that the only document attendance prior to April 12, 2000? No. 3 is the indicated prior to April 12, 2000? No. 3 is the indicated prior to April 12, 2000? No. 3 i	13		employees under your supervision?	13	Α	That's correct.
16 A No. 17 Q Did you create performance job records for any other employees under your supervision? 18 A Yes. 20 Q Okay. And what's the difference between their job performance record, if any, and this particular record? 21 The only difference would be the facts 22 A The only difference would be the facts 23 A Signature of the Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 24 A Are you asking me if 25 Q Take a look at that. 26 Q Take a look at that. 27 A I need to be clear on what you're asking. 28 A The only difference would be the facts 29 C Take a look at that. 20 Q Take a look at that. 21 A I need to be clear on what you're asking. 22 A The only difference would be the facts 23 A The only difference would be the facts	14	Α	No.	14	Q	Directing your attention to Exhibit
16 A No. 17 Q Did you create performance job records for any other employees under your supervision? 18 A Yes. 20 Q Okay. And what's the difference between their job performance record, if any, and this particular record? 21 The only difference would be the facts 22 A The only difference would be the facts 23 A Signature of the Ms. Griffith's attendance record that you personally created prior to April 12, 2000? 24 A Are you asking me if 25 Q A Take a look at that. 26 A I need to be clear on what you're asking. 27 A The only difference would be the facts 28 A Take a look at that. 29 A I need to be clear on what you're asking. 29 A Take you asking me if this document I'm talking about the 2000 attendance for	15	Q	This format. I'm sorry?	15		No. 3 is that the only documentation of
any other employees under your supervision? A Yes. Okay. And what's the difference between their job performance record, if any, and this particular record? The only difference would be the facts MS. MOORE: Objection. Are you asking me if Take a look at that. I need to be clear on what you're asking. Are you asking me if this document I'm talking about the 2000 attendance for	16	Α	No.	16		Ms. Griffith's attendance record that you
19 A Yes. 20 Q Okay. And what's the difference between 21 their job performance record, if any, and 22 this particular record? 23 A The only difference would be the facts 19 A Are you asking me if 20 Q Take a look at that. 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm 23 talking about the 2000 attendance for	17	Q	Did you create performance job records for	17		personally created prior to April 12, 2000?
20 Q Okay. And what's the difference between 21 their job performance record, if any, and 22 this particular record? 23 A The only difference would be the facts 20 Q Take a look at that. 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm 23 talking about the 2000 attendance for	18		any other employees under your supervision?	18		MS. MOORE: Objection.
20 Q Okay. And what's the difference between 21 their job performance record, if any, and 22 this particular record? 23 A The only difference would be the facts 20 Q Take a look at that. 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm 23 talking about the 2000 attendance for	19	Α		19	Α	Are you asking me if
their job performance record, if any, and this particular record? The only difference would be the facts 21 A I need to be clear on what you're asking. 22 Are you asking me if this document I'm talking about the 2000 attendance for	20	Q	Okay. And what's the difference between	20	Q	
23 A The only difference would be the facts 23 talking about the 2000 attendance for	21			21	Α	I need to be clear on what you're asking.
23 A The only difference would be the facts 23 talking about the 2000 attendance for	22		this particular record?	22		Are you asking me if this document I'm
	23	Α	The only difference would be the facts	23		talking about the 2000 attendance for
	24		inside the spreadsheet.	24		Bernadine Griffith, DEF 91 and DEF 92,

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		89			91
1		Exhibit 3 I need please ask the	1		time be at 10 a.m.?
2		question again.	2		MS. MOORE: Objection.
3	Q	Sure. I was directing your attention first	3	Α	I don't remember.
4		to Exhibit No. 4.	4	Q	Okay.
5	Α	Correct.	5	Α	I was given a note. Bernadine gave me a
6	Q	And I had noted that you started keeping a	6		note.
7		written record of Ms. Griffith's	7	Q	And when did Ms. Griffith give you the
8		performance job record on April 12, 2000.	8		note?
9	Α	Correct.	9	Α	I don't remember. I
10	Q	And you had established that you did not	10	Q	Okay.
11		keep any other performance job record	11		MS. MOORE: Were you finished
12		pertaining to Ms. Griffith prior to	12		answering?
13		April 12, 2000.	13		THE WITNESS: Yes.
14	Α	Correct.	14	Α	When she gave me the note, I accommodated
15	Q	So my question, then, is: With regards to	15		the note.
16		her attendance record directing your	16	Q	Okay. And when Ms. Griffith gave you the
17		attention to Exhibit No. 3 is this the	17		note sometime in 2000 for her start time to
18		only written form of documentation that you	18		be at 10 a.m., did you discuss the arrival
19		kept with regards to Ms. Griffith's	19		of Ms. Griffith being able to arrive at
20		attendance?	20		10 a.m., with any other employee
21		MS. MOORE: Objection.	21		MS. MOORE: Objection.
22	Α	I believe so.	22	Q	at CU?
23	Q	Okay. So apart from Exhibit No. 3 and	23	Α	I don't know.
24	•	Exhibit No. 4, did you have a system in	24	Q	Did you discuss it with Michael Sisto?
	······································	90			92
1		place to keep record of Ms. Griffith's	1	Α	Yes.
2		attendance or job performance, other than	2	Q	And when did you discuss it with Michael
3		these two documents that we have before us?	3		Sisto?
4	Α	No. This is how I did it.	4	Α	I don't remember.
5	Q	Okay. All right. So directing your	5	Q	Did you make the decision yourself solely
6	~	attention to Exhibit No. 4	6		to permit Ms. Griffith to come in at
7	А	Yes.	7		10 a.m.?
8	Q	Prior to April 12, 2000, was Ms. Griffith	8		MS. MOORE: Objection.
9	~	tardy on any date?	9	Α	Yes.
10	Α	Yes.	10	Q	Okay. Is that something that CU afforded
11	, ,	MS. MOORE: Objection.	11		the supervisors I'm sorry. Strike that.
12	Q	And when was Ms. Griffith tardy?	12		Did the supervisor have
13	A	I couldn't tell you.	13		discretion to grant late arrival time?
14	Q	How do you know she was tardy prior to	14		MS. MOORE: Objection.
15	G	April 12, 2000?	15	Α	Yes.
16	Α	Because I started this after noticing a	16	Q	Ms. Scanlon, in her deposition, referred to
17	^	late time of arrival with her.	17	-•	it as flex time. Is that your
18	Q	And what was Ms. Griffith's arrival time in	18		understanding of what you were providing
19		year 2000?	19		Ms. Griffith was flex time?
20	Α	It was supposed to be 10 a.m.	20		MS. MOORE: Objection.
21	Q	And why was Ms. Griffith's arrival time	21	А	I guess you could call it that.
22	₩	supposed to be at 10 a.m.?	22	Q	Okay. When Ms. Griffith requested to come
23	Α	Her doctor requested it.	23	_	in at 10 a.m., did you speak with
24	Q	And when did her doctor request her arrival	24		Ms. Griffith about how long her workday
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		93			95
1		should be?	1		April 12, I would have spoken to him about
2	Α	The standard workday is seven and a half	2		it.
3		hours or was seven and a half hours at	3	Q	Okay. All right. And Mike Sisto's
4		that time, I believe.	4		position at CU is what?
5	Q	Okay. And how late did you work to in	5		MS. MOORE: Objection.
6		2000?	6	Q	Is he a manager?
7		MS. MOORE: Objection.	7		MS. MOORE: Objection.
8	Α	It was different every day.	8	Α	He no longer works there.
9	Q	What was your usual departure time in 2000?	9	Q	No. I'm sorry. In 2000, what was Michael
10	А	I departed probably anywhere from around	10		Sisto's position with CU?
11		5:30 to 6:30	11		MS. MOORE: Objection.
12	Q	Okay.	12	Α	Manager? I don't know his exact title.
13	Α	most often.	13	Q	Manager over your department your group
14	Q	And most often was Ms. Griffith present	14	A	Yes. Manager of Monica's Mike was
15	~	when you departed?	15		Monica's in '99
16	Α	Yes.	16	Q	Right.
17	Q	Did you ever speak with Ms. Griffith at any	17	A	Mike was Monica's manager. Tom Danforth
18	•	time in 2000 about your concern of her	18	, ,	and I reported to Monica. In 2000, Tom
19		arriving late?	19		Danforth and I reported directly to Mike
20	Α	Yes, I think I did.	20		Sisto.
21	Q	And when did you speak with her in 2000?	21	Q	So Monica Scanlon's position was
22	A	I don't remember.	22	Q	eliminated, and your direct supervisor was
23	Q	Do you recall having a specific meeting	23		Michael Sisto?
24	·α	with her and any other individual about her	24		MS. MOORE: Objection.
		94			96
1		late arrival time	1	Q	Is that correct?
2		MS. MOORE: Objection.	2	A	Yes.
3	Q	in 2000?	3	Q	Okay. And when you spoke with Michael
4	A	There were probably several meetings, so	4	Q.	Sisto about your concerns due to
5	\sim	I you have to be that's a broad	5		Ms. Griffith's late arrival time, what
6		question. I'm not clear on that.	6		recommendations did Michael Sisto make in
7	0	I realize that. I'll clarify it.	7		dealing with this issue?
	Q A	Okay.	8		MS. MOORE: Objection.
8 9	Q	Prior to your generating this performance	9	А	I think we discussed putting something like
	Q	job record you earlier testified you	10	7.7	this document together.
10		noticed that she was being tardy, thus the	11	Q	Okay.
11		reason why you would create this	12	A	Because this wasn't something that I had
12		performance job record.	13	^	ever done in the past.
13	۸	•	14	Q	You've never kept a performance job record
14	A	Right. When you decided to create this job record,	15	Q	pertaining to someone's tardiness or late
15	Q	•	ł		•
16		okay, on April 12, prior to that time,	16		arrivals or absences, as this record reflects?
17		whether it be April or March or February or			
18		January of that year, did you discuss with	18	٨	MS. MOORE: Objection.
19		Michael Sisto or any other individual about	19	Α	Prior to this time, no; but then there were
20		your concerns of Ms. Griffith arriving	20	_	two employees.
21		late; and if so, when?	21	Q	Subsequent?
22		MS. MOORE: Objection.	22	A	Yes. Both Bernadine and Mary Ann Russo.
23	Α	I would have spoken to Mike Sisto, but I	23	Q	Mary Ann Russo's performance job record
24		don't somewhere between January and	24		did that pertain to a change in performance

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1		that pertained to absence and tardiness as	1	Α	She was still employed by whatever our
2		well as	2		company name was then.
3	Α	Yes, it did.	3	Q	CU well, OneBeacon Insurance.
4	Q	Ms. Griffith?	4		Was Mary Ann Russo employed in
5		And what, if any, steps did	5		2001 with CU?
6		you take with Mary Ann Russo in addressing	6	Α	I don't know.
7		her issue of tardiness and absenteeism?	7	Q	Okay. And was Mary Ann Russo still in your
8		MS. MOORE: Objection.	8		group in 2001?
9	Α	I met with her, and she was also given a	9	Α	No.
10		written warning to her personnel file about	10		MS. MOORE: Objection.
11		her tardiness.	11	Q	When was she transferred out of your group?
12	Q	And did Mary Ann Russo I'm sorry. Would	12		MS. MOORE: Objection.
13		you please for me could you describe who	13	Α	She wasn't transferred.
14		Mary Ann Russo is by her age, sex, and	14	Q	What are the circumstances that she would
15		race?	15		have no longer been under your supervision?
16		MS. MOORE: Objection.	16	Α	She went out on maternity leave in, I
17	Q	Well, obviously, female.	17		believe, late August; and she was I'm
18	A	She's a female. At the time I don't know	18		trying to think. Within a few short weeks,
19	^	what her exact age was. 30s maybe.	19		the team had had pretty much picked up
20	Q	Okay. And what is her race?	20		her responsibilities.
	Q	MS. MOORE: Objection.	21		She was due back, I believe,
21	^	I guess Caucasian. I	22		early December. She did not return at that
22	A	Okay. All right. And is Mary Ann Russo	23		time. At that time human resources told me
23	Q	was she still employed in your group in	24		I had options to either fill her position
24		was site still employed in your group in			100
_ ا		2000 by the end of 2000?	1		with someone else, dissolve the position,
1	Α	No.	2		or hold the position for her. I chose to
2	~	MS. MOORE: Objection.	3		dissolve her position.
3	_	Was she terminated in 2000?	4	Q	Okay.
4	Q	MS. MOORE: Objection.	5	A	So I don't understand I mean, she was
5	۸		6	^	still employed by the company; she just
6	A	No. Did she voluntarily leave CU on her own	7		wasn't on my team.
7	Q	·	8	Q	She wasn't on your team. Was she a member
8		accord?	1	Q	of any other team subsequent to December of
9	Α	No.	9		2000?
10	_	MS. MOORE: Objection.	10	^	
11	Q	When did Mary Ann Russo leave CU?	11	Α	No, not that I know of. I mean, she was
12		MS. MOORE: Objection.	12		on she was on maternity leave or
13	Α	I don't know.	13		disability leave, and so I don't know what
14	Q	Okay. Was she transferred out of your	14		the company procedures are when someone
15		group in 2000?	15		comes back. I mean, I know that they hold
16	Α	No.	16		something because she was still getting her
17	Q	Well, I believe I've already asked, was she	17	_	benefits. I have no idea.
18		employed at the end of 2000? Was she	18	Q	Did Mary Ann Russo return from her
19		employed at the end of 2000 with CU?	19		maternity leave and to CU at some point in
20		MS. MOORE: Objection.	20		time?
21	Α	Yes. I'm sorry. I'm confused.	21		MS. MOORE: Objection.
22	Q	That's what I thought.	22	A	Not that I know of.
23	Α	She was employed.	23	Q	Okay. You had mentioned that Mary Ann
24	Q	She was still employed by the end of 2000?	24		Russo received a warning. Explain to me

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1		MS. MOORE: Objection.	1	Α	(Pause.)
2	Α	No.	2	Q	I think you said providing them something.
3		MS. MOORE: Counsel, I would	3		Go ahead and define "accommodation," to
4		just like to state for the record that	4		your understanding.
5		we're now using legal terms of art; and,	5	Α	Ensuring that they're able to do their work
6		again, Ms. Holmes is not aware	6		if there was some special consideration
7		MS. HILL: This is a lay	7		like I don't know maybe he needed a
8		person and her understanding of	8		special keyboard or I don't know.
9		"accommodation." If she doesn't understand	9		That's what I think an "accommodation"
10		what "accommodation" is, then she can	10		meant.
11		define that to the best of her ability.	11	Q	Right. That's fine.
12	Q	Do you understand what "accommodation" is?	1	_,	All right. Are you aware of a
13	Q	What is your understanding of	13		CU policy that affords an employee to
14		"accommodation"?	14		exchange time working coming in late and
		MS. MOORE: Objection.	15		working I'm sorry yes, coming in late
15	۸	-	16		and working late?
16	А	I I don't know. Giving him, you know,	I		MS. MOORE: Objection.
17		flexible work hours or something. I don't	17	_	
18		know. I knew who Dan was, but I didn't	18	Q	Was there a plan
19		he didn't work on our team, and I didn't	19	_	MS. MOORE: Objection.
20		I don't know about any disability. I	20	Q	to allow an employee to well, I'm
21		didn't know he was considered disabled.	21		sorry. Strike that, actually.
22		But I never worked with him.	22		What were the normal working
23	Q	Okay. Earlier we discussed about	23		hours at CU?
24		Ms. Griffith coming in at 10 a.m., that she	24		MS. MOORE: Objection.
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1		had asked for that request.	1	Α	The normal hours were 8 were 8:30 to
2	Α	(Nodding.)	2		4:30 type thing I mean 8:30 to 5,
3	Q	By Ms. Griffith asking for the request to	3		whatever. That's what they considered
4		come in at 10 a.m., is that an	4		normal.
5		accommodation that you provided	5	Q	And that's the time that an employee was
6		Ms. Griffith?	6		expected to be arrive at 8:30 and could
7		MS. MOORE: Objection.	7		leave at 4:30?
8	Α	Yes, I would consider that an	8		MS. MOORE: Objection. I
9		accommodation.	9		think she just said 8:30 to 5.
10	Q	Okay.	10	Α	Not necessarily.
11	Α	Maybe better is that what you mean by	11	Q	Well, what is your understanding of what
12		"accommodation"?	12		are the hours that an individual is to work
13	Q	No, no, no. It's your testimony.	13		in your particular group?
14	Α	Okay. But I'm just saying	14		MS. MOORE: Objection.
15	Q	That's why I'm saying it's important for	15	Α	I allowed flex hours up to 9:30, so that
16		you to define.	16		that person would work until, you know,
17	А	I mean, that's what I'm thinking it means.	17		5:30 or 6, whatever. I'm not doing the
18		But if you're asking me a question, and	18		math right now, but up to 9:30 people
19		"accommodation" means something different,	19		coming in. Because then that meant we also
20		then I don't know what it means.	20		had coverage later on the other end,
21	0	Right. That's fine. As you defined it,	21		because we were supporting offices not only
	Q	your understanding of an "accommodation" is	22		on the East Coast, but on the West Coast.
22		•	23		So by the time we went home,
23		providing someone something to be able to	24		it was still, you know, 2 and 3:00 in the
24	- ^	do their job?	<u> </u>		it was suif, you know, 2 and 3.00 in the